IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 647 OF 2007

IN

CRIMINAL APPEAL NO. 533 OF 2007

IN

SESSION CASE NO. 488 OF 2001

IN

C.C. NO. 280/P OF 2001

IN

C.R. NO. 43 OF 2000

(of Oshivara Police Station)

1. Rohit Bharat Singh
2. Sachin Kartar Singh ..Applicants

v/s

The State of Maharashtra
at the instance of Oshivara
Police Station. ..Respondents

CORAM : J.H. BHATIA, J.

DATE : 18TH JUNE 2007.

P.C.

1. Heard Mr. Shaikh, learned counsel for the applicants and Mrs. Mhatre, learned APP.

2. Applicants seek to be released on bail pending their Appeal against conviction.

3. Accused No. 1 and 2 both were convicted under section 366 r/w. 34 of IPC and sentenced to undergo RI for two years each and to pay a fine of Rs. 10,000/- each while accused No. 2 was convicted under section 376 and was sentenced to undergo R.I. for four years and to pay a fine of Rs. 50,000/-. Learned counsel for the applicants pointed out that both the applicants were on bail during the trial and there is no allegation of misuse of bail. He also pointed out that there is discrepancy in the statements made by the prosecuted girls and in their initial statements there was no allegation of either kidnapping against the present Applicants or about raping any of them. Both the girls changed their statements from time to time.

4. Taking into consideration the above circumstances I find that this is a fit case to grant bail. Mr. Shaikh contended that heavy amounmt of bail has been granted to accused No. 2 and he would not be in a position to deposit that

much amount but he offers to deposit Rs. 10,000/- on behalf of each accused.

5. The applicants are granted bail on same terms and conditions before the trial court subject to their furnishing fresh bail bonds and depositing fine amount of Rs. 10,000/- each.

(J.H. BHATIA, J.)